

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.232 OF 2005**

Abdul Jabbar Usman Ahmed Shaikh ...Applicant

vs.

State of Maharashtra & Anr. ...Respondents

Ms Daksha Shah for the Applicant
Ms M.M.Deshmukh, A.P.P. for State

**CORAM: A.S.OKA, J.
DATE : SEPTEMBER 13, 2005**

P.C.:

1. Heard Counsel appearing for the parties. The challenge in this Petition is to the order dated 13th May 2005 passed by the Sessions Court. By the said order the learned Sessions Judge has rejected the application made for discharge by the Applicant.

2. The learned Counsel for the Applicant submitted that Section 413 of the I.P.C. could not have been applied against the Applicant as even according to the material produced along with the charge sheet, at highest, Section 379 of the I.P.C. will apply. The learned Counsel for the Applicant has invited my attention to the material on record. The learned A.P.P. submitted that there is material on record to proceed against the Applicant. The learned A.P.P. submitted that it is the matter of evidence so far as charge under section 413 is concerned.

3. I have considered the submissions. The complainant has lodged F.I.R. alleging that the Applicant-accused robbed a sum of Rs.1,60,000/-. In so far as charge under Section 413 is concerned, there is material on record in the form of statement of one S.V.Danial. The said statement coupled with other material shows that there is some material on record to proceed against the Applicant. It is well settled that at this stage the Court is not expected to sift and weigh the the material and evidence on record. The only thing which is to be seen whether there is any material to proceed against the Applicant.

4. I find no error in the view taken by the learned Sessions Judge. There is no merit in the Revision Application and the same is rejected.

JUDGE